

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X	
In re VEECO INSTRUMENTS, INC.	:
SECURITIES LITIGATION	:
-----X	
-----X	
THIS DOCUMENT RELATES TO	:
ALL ACTIONS	:
-----X	

Case No.: 7:05-md-01695 (CM)(GAY)

**AFFIDAVIT OF CAROLE A. BRODERICK IN  
SUPPORT OF PETITION FOR ATTORNEYS' FEES  
AND REIMBURSEMENT OF EXPENSES FILED  
ON BEHALF OF BERGER & MONTAGUE, P.C.**

COMMONWEALTH OF PENNSYLVANIA :  
 : SS  
COUNTY OF PHILADELPHIA :

I, CAROLE A. BRODERICK, being duly sworn, hereby state as follows:

1. I am a shareholder (member) of the law firm of Berger & Montague, P.C. I submit this Affidavit in support of my firm's application for an award of attorneys' fees in connection with services rendered in this case, as well as the reimbursement of expenses incurred by my firm in connection with this litigation.

2. As Lead Counsel, my firm was involved in and directed all aspects of the case from inception of the case through settlement. The tasks performed by my firm are set forth in detail in the Declaration of Carole A. Broderick in Support of the Motion for Final Approval of the Settlement and the Motion for an Award of Attorneys' Fees and Reimbursement of Expenses and Award to Lead Plaintiff.

3. The schedule attached hereto as Exhibit 1 is a detailed summary indicating the amount of time spent by the partners, attorneys, and professional support staff of Berger & Montague

who were involved in this litigation and the lodestar calculation based on my firm's current billing rates. For personnel who are no longer employed by my firm, the lodestar calculation is based upon the billing rates for personnel in his or her final year of employment with my firm. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm, which are available at the request of the Court. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

4. The hourly rates for partners, attorneys and professional staff included in Exhibit 1 are the same rates charged by Berger & Montage for its services in non-contingent matters.

5. As indicated in Exhibit 1 attached hereto, the total number of hours expended by my firm on this litigation is 12,185.76<sup>1</sup> hours. The total lodestar for my firm is \$4,594,233.40, consisting of \$3,942,337.50 for attorneys' time and \$651,895.90 for professional support staff time.

6. My firm's lodestar figures are based upon the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

7. As detailed in Exhibit 2, my firm has incurred a total of \$774,329.29<sup>2</sup> in unreimbursed expenses in connection with the prosecution of this litigation through October 15, 2007.

---

<sup>1</sup> Includes actual time spent through October 18, 2007 plus additional time in the amount of 8 hours for Phyllis M. Parker, 8 hours for Jeff Osterwise and 5 hours for myself in connection with finalizing the settlement papers and preparation for and attendance at the final settlement hearing scheduled for November 7, 2007.

<sup>2</sup>Includes \$6,359.57 of expenses incurred by Milberg Weiss LLP in connection with its services as liaison counsel in this case from April 2005 through October 2005.

8. The expenses incurred in this action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred.

9. With respect to the standing of my firm, attached hereto as Exhibit 3 is a brief biography of my firm and attorneys in my firm who were principally involved in this litigation.

Carole A. Broderick  
CAROLE A. BRODERICK

Sworn to and Subscribed before me

this 26<sup>th</sup> day of October, 2007.

Nina L. Fischer  
Notary Public

**COMMONWEALTH OF PENNSYLVANIA**

Notarial Seal  
Nina L. Fischer, Notary Public  
City Of Philadelphia, Philadelphia County  
My Commission Expires Apr. 2, 2009

Member, Pennsylvania Association of Notaries